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Title

CA 36/2020 REVISED: Travel Eligibility to the UK for EU/EEA and Swiss Nationals and their Families from 23:00hrs on 31 December 2020

Summary

From 23:00 (UK Time) on 31 December 2020 free movement will no longer apply and EU, EEA and Swiss citizens will require leave to enter the United Kingdom.

This means that the blanket exemption from carriers' liability which applies in respect of EU/EEA or Swiss passengers will cease. From this point carriers' liability actions can be applied to EU/EEA or Swiss nationals where appropriate, and to non-EEA family members who may previously have relied on the EEA Regulations.

Main text

Carriers are required to familiarise their employees with the following changes and specifically the changes to document acceptability for travel to the UK and the resulting potential for carrier liability penalties.

EU/EEA and Swiss Nationals

From 23:00 (UK Time) on 31 December 2020, EU/EEA and Swiss nationals travelling to the UK for work or for more than 6-months study, will need appropriate entry clearance. Those who were resident in the UK before the end of free movement are entitled to apply for status under the EU Settlement Scheme (EUSS).

Entry clearance may appear as a vignette in a national passport, or it may be granted digitally. EUSS leave will be granted digitally.

For all other visits up to 6 months duration, no visa or entry clearance is required.

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Carriers are **not** required to establish work, study or settlement intentions and will not need to request evidence of digital entry clearance or settled status to establish eligibility for carriage.

- **Carrier's liability will extend to these passport holders where documentation is not genuine or in the possession of the rightful holder. Penalties may also apply where the travel documentation has expired.**
- **Whilst carriers will not be liable under section 40 for nationals refused upon entry for not holding the required work, study or settlement status, responsibility for any associated removal arrangements for those refused at the border remain unchanged.**

EU/EEA and Swiss National Identity Cards

EU/EEA and Swiss national identity cards will remain valid for all passengers travelling to the UK until 01 October 2021.

Further guidance regarding eligibility for travel on national identity cards after 01 October 2021 will be issued nearer the time.

Irish Passport Cards and Identity Cards held by British Citizens from Gibraltar will continue to be accepted indefinitely.

- **Carrier's liability will extend to these ID card holders where documentation is not genuine or in the possession of the rightful holder. Penalties may also apply where the documentation has expired.**
- **Whilst carriers will not be liable under section 40 for nationals refused upon entry for not holding the required work, study or settlement status, responsibility for any associated removal arrangements for those refused at the border remain unchanged.**

Article 10/20 Residence Cards

From 23:00 (UK Time) 31 December 2020, EU and Irish-issued Article 10/20 cards will no longer be acceptable as a visa exemption document.

UK-issued Article 10/20 cards will continue to be acceptable when presented alongside a valid travel document.

- **Carriers liability will extend to all passengers carried with an EU or Irish issued Article 10/20 residence card with effect from 23:00 (UK Time) 31 December 2020.**

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Family Members of EU/EEA or Swiss nationals – New Arrivals

From 23:00 (UK Time) 31 December 2020, all family members of EU/EEA or Swiss nationals will require entry clearance, or a UK issued family permit to join or accompany their EU/EEA/Swiss family member in the UK.

Visa-national family members will require a visa for all visits up to 6 months duration.

UK issued Family Permits, issued on Cat D vignettes, will continue to be issued and remain valid to 30 June 2021. In parallel, a new EUSS family permit has been introduced, issued on Category D vignette with the endorsement “EU SETTLEMENT SCHEME FAMILY PERMIT to join / to acc” + name of the EEA national.

All family members of UK nationals will require a visa (if a visa national) or Settlement entry clearance.

- **Carrier’s liability will extend to these family members where documentation is not genuine or in the possession of the rightful holder. Penalties may also apply where the travel documentation has expired, or where no visa is held where required (as a visa-national).**
- **Whilst carriers will not be liable under section 40 for non-visa nationals refused upon entry for not holding the required entry clearance or family permit, responsibility for any associated removal arrangements for those refused at the border remain unchanged.**

Family Members of EU/EEA or Swiss nationals – Settled in UK

Family Members already settled in the UK will be issued with a UK biometric residence permit (BRP).

Where a family member has lost their biometric residence permit whilst outside the UK, or where they have left the UK whilst their EUSS application is still pending, they are required to apply for an EUSS travel permit. This will be issued on a Cat D vignette entry clearance with the endorsement EU SETTLEMENT SCHEME TRAVEL PERMIT.

The EUSS Travel permit is valid for 6 months multiple entry.

- **Whilst carriers will not be liable under section 40 for nationals refused upon entry for not holding the required biometric residence permit or EUSS travel permit, responsibility for any associated removal arrangements for those refused at the border remain unchanged.**

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Irish citizens

Irish citizens can continue to travel and live in the UK as they do now and will not require leave to enter.

Additionally, the Common Travel Area arrangements covering the UK, Ireland and the Crown Dependencies will remain unchanged.

Temporary & Emergency Travel Documents

The acceptability of temporary and emergency passports remains unchanged. Where this is not a passport, a visa will be required unless the holder is in transit to the country in which they are ordinarily resident. For further information, see

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-visitor-visa-national-list>

Uniform Format Forms (UFFs)

From 23:00 (UK Time) on 31 December 2020, Uniform Format Forms (UFFs) will be replaced by the UK Form for Affixing a Visa (FAVs). UFFs can continue to be accepted for travel as long as the affixed vignette remains valid.

Please refer to Carrier Alert reference CA 34/2020 for further details.

EU Laissez Passer

The UK will continue to accept the EU Laissez-Passer.

List of Travellers

The UK will continue to accept the 'List of Travellers' until 1 October 2021.

Transit Exemption Documents

The UK will continue to accept the same EU/EEA and Swiss common format Category D visas and residence permits as exemption documents for the purpose of transiting the UK without a visa. This includes those issued for the Republic of Ireland.

Diplomats and Staff members of International organisations

EU, EEA and Swiss citizens who are diplomats or who are staff members of certain international organisations will continue to be exempt from immigration control. They may have an exempt vignette, may be travelling with an FCDO diplomatic identity card or a Note Verbale.

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EU/EEA and Swiss Crew Members

EU/EEA and Swiss nationals who are not entitled to live and work in the UK will be treated like non visa nationals under the Immigration Rules.

EU/EEA and Swiss nationals who were resident in the UK on or before the 31st December 2020 can apply for pre-settled status or settled status which entitles them to live and work in the UK. They have until 30 June 2021 to make an application, from 1st July 2021 they will have to show evidence of their UK residency status.

EU/EEA and Swiss nationals who have regularly commuted to the UK for work on or before 31st December 2020 can apply for frontier worker status, this entitles them to travel to the UK for work purposes, again applications need to be submitted by 30 June 2021, from 1st July 2021 they will need to show evidence of their frontier worker status.

EU/EEA and Swiss national crew members who do not hold status in another capacity will be subject to the same rules as non-EU/EEA and Swiss crew.

**For further advice
contact:**

Your local IEI Team

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